

Publications Transmittal

Transmittal Number PT 04-071	Date November 2004
Publication Distribution To: All <i>Local Agency Guideline</i> holders	
Publication Title <i>Local Agency Guideline</i> -Revision 2004-2	Publication Number M 36-63
Originating Organization Washington State Department of Transportation, Highways and Local Programs Division through Engineering Publications	

Remarks: All LAG Manual and CD Holders:

To download the November 2004 LAG manual changes in their entirety electronically, go to:
<http://www.wsdot.wa.gov/TA/Operations/LAG/LAGHP.htm>

Summary of Changes:

Please Note: The following list is a brief overview of each revision. The actual revision should be reviewed in-depth to become completely knowledgeable of the revision.

Chapter 14, Section 14.2 Developing Projects Using the Local Agency Guidelines

Verbiage was added to clarify the requirements for utilizing FHWA funds. Formatting has been changed from 2 columns to 1 column for easier reading.

Chapter 26, Appendix 26.42 Disadvantaged Business Enterprise Utilization Certification

WSDOT Form 272-056A has been updated.

Instructions:

Page numbers and corresponding sheet-counts are given in the table below to indicate portions of the *Local Agency Guideline* that are to be removed and inserted to accomplish this revision.

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14.1 General Discussion

The previous three parts of this manual explained how local agencies may qualify to receive Federal Highway Administration (FHWA) funding for their transportation projects. The remainder of the manual explains procedures for developing specific projects.

Once a local agency has qualified to receive FHWA funds, as described in Chapter 12, the next action is to apply for funds to develop specific projects in its transportation program. Depending on their size and complexity, different projects may require different development procedures. The remaining parts of the manual are arranged to reflect these differences.

The next part, “General Project Development,” Chapters 21-27, describe activities required during preliminary engineering on all projects.

The part entitled “Special Project Development Processes,” Chapters 31-34, describes activities that may be required on some projects.

The parts entitled “Design” and “Construction and Post Construction,” Chapters 41-46 and 51-53, offer the local agency a choice of procedures, depending on whether its projects are located in urban or rural areas and whether it or the state will administer its construction contracts.

The part entitled “Miscellaneous,” Chapters 61-65, describe the activities that are required on projects with an agency’s own forces, for work on transportation enhancements, or work on the National Highway System (NHS).

The specific requirements for a project may change as project development progresses and as more information about a project becomes available. Further details of the specific requirements are shown in the Project Development Process Flow Chart and Checklist. The meanings of unfamiliar terms may be found in the Glossary. Once the local agency has identified the steps required on a particular project, only the parts in the manual that deal specifically with those steps need be referred to.

14.2 Project Development Process Overview

This section describes the project development process by setting forth project phases, documentation requirements, options for construction administration, and required reviews and approvals.

.21 Phases of Authorization. FHWA funds may be authorized for the following project phases:

- a. Preliminary engineering (Planning (STP and CM/AQ funds)).
- b. Right-of-way acquisition.
- c. Construction.

Phase Requirements When Utilizing FHWA Funds

Preliminary Engineering Phase: FHWA Funds in PE Phase Only. For FHWA funds to be used in the PE phase of the project, the environmental documentation including FHWA NEPA approval, must be completed. With no federal funds in the right of way or construction phases, the local agency must still follow federal environmental regulations and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. A NEPA document must be approved by FHWA and all environmental commitments must be incorporated into the right of way and construction phases. Right of way must be acquired per the WSDOT right of way manual and acquisition may proceed during the PE Phase in accordance with the manual. Title 23 USC regulations, including Buy America and Davis-Bacon provisions, do not apply if no FHWA funds are used for construction. Any study projects are excluded from NEPA approval.

Right of Way Phase: FHWA Funds in Right of Way Phase. For FHWA funds to be used in the right of way phase of the project, the environmental documentation including FHWA NEPA approval, approved relocation plan (if applicable), Project Funding Estimate, approved right of way plan must be completed prior to FHWA R/W authorization. All property acquisitions and relocations must be completed prior to advertising the project. All environmental commitments must be incorporated into the R/W and construction phases. Title 23 USC regulations, including Buy America and Davis-Bacon provisions, do not apply if no FHWA funds are used for construction. The right of way must be certified by WSDOT prior to advertising the project, even if no federal funds are used in construction.

Construction Phase: FHWA Funds in Construction Phase. All federal laws are triggered with federal funds in the construction phase; examples include NEPA, Title 23 USC, Uniform Relocation Assistance and Real Property Acquisition Policies Act, Buy America, and Davis-Bacon. After approval of the NEPA document and right of way certification the construction phase can be authorized by FHWA. Once FHWA authorizes construction funding and DBE/training goals are set by H&LP, the local agency has authority to advertise the project.

Documentation Requirements when Utilizing FHWA Funds	PE Phase: FHWA Funds in PE Phase Only (1)	R/W Phase: FHWA Funds in the R/W Phase. (2)	CN Phase: FHWA Funds in the Construction Phase. (3)
Required Documentation			
STIP	x	x	x
Approved NEPA	x(4)	x(4)	x(4)
Approved Relocation Plan (if applicable)		x	
Project Funding Estimate		x	
Approved R/W Plan		x	
WSDOT Approved Right of Way Certification		x	x
DBE/Training Goals			x
Design per LAG Manual			x
Environmental per LAG Manual	x	x	x
R/W Acquisition per LAG Manual		x	x
Construction per LAG Manual			x

- (1) Local Agency must provide documentation after completion of the PE phase that the project has been or will be constructed with non-FHWA funds.
- (2) Local Agency must provide documentation after completion of the PE and R/W phases that the project has been or will be constructed with non-federal funds.
- (3) Local Agency must provide documentation after completion of the CN phase as documented in the LAG manual.
- (4) Any environmental commitments must be incorporated into the R/W and /or CN phases.

.22 Documentation Required for Authorization of Funds.

- a. Planning With STP Funds. "Urban Transportation Planning" is an interdisciplinary process for developing and monitoring long- and short-range transportation plans and improvement programs. These plans and programs are formulated with due consideration of present and anticipated future social, economic, and environmental factors and the safety and mobility needs of the population of the urban area. It is a dynamic process, in that it is continuously monitored to accommodate changes of land use, economic conditions and other factors influencing travel patterns. Because of the vast amount of capital expenditures required in the implementation of transportation systems (both highway and transit related), these projects could radically influence land use development in an area or region. Due to the substantial influences that transportation improvements have on the character of the land, it is important that transportation improvements reflect the overall regional social and economic objectives pertaining to community development.

FHWA funded planning activities and studies are identified in Title 23, Part 420 USC, as activities not included in a work program but necessary in development of procedures and project identification.

For planning and Transportation Demand Management (TDM) funding, the following documents are required:

1. Project prospectus for planning projects
2. Local Agency Agreement.
3. Evidence of STIP inclusion.
- b. Preliminary Engineering Funds. When applying for preliminary engineering funds only, the following documents are required:
 1. Project Prospectus (Chapter 21).
 2. Local Agency Agreement (Chapter 22).
 3. Typical sections, vicinity map, and evidence of STIP inclusion.

- c. Right-of-Way Funds. When applying for right-of-way funds, after preliminary engineering funds have developed right-of-way plans, the following documents are required, if appropriate:
 - 1. Supplement to original Local Agency Agreement (Chapter 22).
 - 2. FHWA approval of environmental documents (Chapter 24).
 - 3. Relocation plan, if relocation is required (Chapter 25).
 - 4. Right-of-way plan (Chapter 25).
 - 5. Right-of-way Project Funding Estimate or True-Cost estimate (Chapter 25).
 - 6. Evidence of STIP inclusion.
- d. Construction Funds. The following documents must be submitted to request construction funds:
 - 1. Supplement to Local Agency Agreement.
 - 2. Right-of-way certification (if required).
 - 3. Final FHWA approval of environmental documents (Chapter 24).
 - 4. Evidence of STIP inclusion.
- e. Combined Preliminary Engineering and Construction Funds (no right-of-way acquired). When applying for preliminary engineering and construction funds simultaneously, the following documents are required:
 - 1. Project Prospectus.
 - 2. Local Agency Agreement.
 - 3. Final FHWA approval of environmental documents (Chapter 24).
 - 4. Typical sections, vicinity map, and evidence of STIP inclusion.

.23 Construction Contract Administration. The local agency has the option of:

- a. Administering the contract if it has approved certification acceptance procedures and operates in compliance with Chapter 13.
- b. Requesting that WSDOT administer the contract.
- c. Using its own forces to perform the work if operating under Certification Acceptance (CA) (Chapter 61).
- d. Requesting that another public agency (one operating under CA) perform the work (Chapter 13).
- e. Performing contract administration by a consultant (Chapter 31 under CA).
- f. Referring to Chapter 62 for administering enhancement projects.

.24 Reviews and Approvals. The chart below shows required approvals for NHS and non-NHS projects using local CA or non-CA agencies. These actions apply to the NHS and non-NHS, regardless of project funding source. New/ reconstruction (N/R) includes HOV, park and ride, and PCC pavement rehabilitation projects.

Action	Local non-NHS	Local non-CA non-NHS	LA NHS
a. PE Fund Auth. and Modif./Supp.	F	F	F
b. Exceptions to Design Stan.	S	S	S
c. Design App. (inc. prelim. and adv. detail br. plan app.	L	S	S
d. Experimental Work Plans	F	F	F
e. PS&E Approval	L	S	S
f. State furnished mat., cost-effective termination	L	S	S
g. Prop item, pub. int. find.	L	S	S
h. Concurrence in Award	L	S	S
i. Buy America Exemption	F	F	F
j. Tied Bids	L	L	L
k. State Forces Work	S	S	S

F = FHWA

S = State

L = Local CA Agency

When the local agency is the approving authority for any phase of work, it must operate within the *Local Agency Guidelines* and all applicable federal, state, and local laws and regulations. As outlined in Chapter 13, WSDOT will monitor the agency's procedures. WSDOT or another CA agency is the approval authority when the local agency is not certified.

14.3 Vacant

14.4 Projects Within Interstate Rights-of-Way

Since all projects within the Interstate rights-of-way (R/W) have the potential to impact safety and operations on the Interstate route, they must incorporate Interstate design criteria and construction quality. It is the Federal Highway Administration's (FHWA) policy that all projects within the Interstate R/W should be administered by WSDOT. However, given the scope and extent of non-Interstate projects within the Interstate R/W, it is recognized that local agency administration of some projects may be acceptable, and all requests will be considered on a case-by-case basis.

Whenever a local agency proposes a project within the Interstate R/W, they must develop an agreement with WSDOT that clearly outlines their duties and responsibilities to maintain the integrity of the Interstate facility, from both the safety and quality perspectives. The agreement should be executed prior to design approval and must be executed prior to advertising for bids. The following requirements must be incorporated into the agreement:

Responsibilities: WSDOT and the local agency must each assign a project engineer.

Design: WSDOT must review and approve all highway plans, profiles, deviations, structural plans, false-work plans, shoring plans, and traffic control plans for any work within the Interstate R/W.

Plans, Specifications, and Estimates: WSDOT must review and approve the plans and specifications for any work within Interstate R/W.

Advertising and Award: The local agency must confer with the WSDOT project engineer on any pre-award issues affecting the quality and timing of the contract.

Construction: All construction, materials, and quality control requirements contained in the current editions of the WSDOT *Standard Specifications* and *Construction Manual* must be incorporated into the agreement.

Contract Changes: All contract changes affecting work within the Interstate R/W must have the prior concurrence of the WSDOT project engineer.

Final Inspection: The final inspection of the project must be performed by WSDOT Olympia Service Center or the Region Construction (Operations) Engineer and must evidence their approval.

Only local agencies with full certification acceptance authority may enter into such an agreement with the WSDOT.

The agreement must be submitted to FHWA. FHWA reserves the right to assume full oversight of the project.

14.5 Project Development Process Flow Chart and Checklist

The flow chart (see Appendix 14.61) and checklist (see Appendix 14.62) depict the sequence of major activities necessary to develop transportation projects using FHWA funds. The forms required for a project are shown on the list of forms. Since the type of work varies on projects, see the WSDOT *Construction Manual*, Chapter 11, “Forms,” for additional required forms.

It is recommended that a copy of the checklist be inserted in the project file and used to initiate and document the activities necessary to complete a project.

14.6 Appendixes

14.61 Project Development Process Flow Chart

14.62 Project Development Checklist

Quarterly Report of Amounts Credited as DBE Participation



Washington State
Department of Transportation

Quarterly Report of Amounts Credited as DBE Participation

Quarter (1st, 2nd, 3rd, 4th) or Final _____ of Year _____		State Contract Number	
		Federal Employer I.D. Number	
Contractor			
DBE Participant Name and Federal Employer I.D. Number	Contract Type	Date of Payment	*Dollar Credit Amount
Contract Type: S = Subcontractor A = Agent M = Manufacturer R = Regular Dealer J = Joint Venture V = Service Provider			
<p>I, the undersigned, do hereby certify that in connection with all work on the project for which this statement is submitted, each DBE participant contracted by me has been paid on the dates shown. *Further, I certify that the amounts shown under "Dollar Credit Amount" are in accordance with the DBE Eligibility portion of the DBE Special Provision.</p> <p>Signature _____ Title _____</p>			

This form is due on the 20th of the month following the end of the respective Quarter (April, July, October, January). This form replaces "Affidavit of Amounts Paid MBE/WBE Participants" (DOT Form 421-023)

DOT Form 422-102 EF
3/00

Disadvantaged Business Enterprises Utilization Certification



**Washington State
Department of Transportation**

Disadvantaged Business Enterprise Utilization Certification

To be eligible for award of this contract the bidder must fill out and submit, as part of its bid proposal, the following Disadvantaged Business Enterprise Utilization Certification relating to Disadvantaged Business Enterprise (DBE) requirements. The Contracting Agency shall consider as non-responsive and shall reject any bid proposal that does not contain a DBE Certification which properly demonstrates that the bidder will meet the DBE participation requirements in one of the manners provided for in the proposed contract. The successful bidder's DBE Certification shall be deemed a part of the resulting contract. Information on certified firms is available from OMWBE, telephone 360-753-9693.

_____ certifies that the Disadvantaged Business Enterprise
Name of Bidder

(DBE) Firms listed below have been contacted regarding participation on this project. If this bidder is successful on this project and is awarded the contract, it shall assure that subcontracts or supply agreements are executed with those firms where an "Amount to be Applied Towards Goal" is listed. (If necessary, use additional sheet.)

Name of DBE Certificate Number	Project Role * (Prime, Joint Venture, Subcontractor, Manufacturer, Regular Dealer, Service Provider)	Description of Work	Amount to be Applied Towards Goal **
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Disadvantaged Business Enterprise Subcontracting Goal: _____ DBE Total \$ _____ ***

* Regular Dealer status must be approved by the Office of Equal Opportunity, Wash. State Dept. of Transportation, on each contract.

** See the section "Counting DBE Participation Toward Meeting the Goal" in the Contract Document.

*** The Contracting Agency will utilize this amount to determine whether or not the bidder has met the goal or the average goal attainment of all bidders. In the event of an arithmetic difference between this total and the sum of the individual amounts listed above, then the sum of the amounts listed shall prevail and the total will be revised accordingly.

DOT Form 272-056 EF
Revised 6/2004